

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
SECOND MODIFIED TEXT**

Single underlined text is originally proposed language. Originally proposed deletions are shown with single strikethrough. Changes to the originally proposed language are shown with underlined strikeout for deleted text. Additional changes to the proposed language are shown with double strikethrough and double underline.

California Code of Regulations, Title 16, Division 26

§ 2608. ~~Complaint~~ Public Information System - Disclosure

The Board shall ~~provide~~ establish and maintain a system designed to provide ~~individual~~ members of the ~~consuming~~ public with information regarding license status, complaints and disciplinary actions against licensees licensed landscape architects and unlicensed persons subject to its jurisdiction and Chapter 3.5 (commencing with section 5615), Division 3 of the Code, and information regarding their license status Information, as specified below, ~~unless in the determination of the Board disclosure of such complaint information would be unduly prejudicial to licensees~~ shall be disclosed to members of the public, upon request by telephone, in person, or in writing (including fax, email, and the Internet). Such information, when feasible and to the extent required or permitted by law, may shall be made available by the Board in writing and by telephone. Requests for information shall be responded to within ten (10) days.

(a) Information to be Disclosed Regarding License Status.

The Board shall disclose the following information regarding past and current licensees:

- (1) The name of the licensee, as it appears in the Board's records;
- (2) The license number;
- (3) The address of record;
- (4) The license issue date;
- (5) The license expiration date; and
- (6) The license status and history.

(~~a~~)b) Information to be ~~Provided~~ Disclosed Regarding Complaints.

~~The Board shall maintain a system of information, regarding complaints received during the preceding three years which will afford to members of the public, upon written request, all of the following regarding a particular licensee: Complaint information that is determined to meet the conditions of disclosure listed in subsection (d) shall be incorporated into the system no later than ten (10) days after the conditions of disclosure have been met. When conditions of disclosure have been met, the Board shall disclose the following information regarding complaints received against licensees and unlicensed persons, if applicable:~~

- ~~(1) The number of such complaints which, after investigation including contact with the licensee, have been found by Board staff to indicate probable violations of the Board's licensing law or regulations.~~
- ~~(2) With respect to each such complaint, the following information:~~
 - ~~(A) Its date of receipt by year.~~
 - ~~(B) Its disposition, by indicating whether the matter has been~~
 - ~~1. referred to formal disciplinary action;~~
 - ~~2. found to involve a minor violation not in itself meriting disciplinary action;~~
 - ~~3. disposed of through settlement, compromise or complaint mediation; or~~
 - ~~4. disposed of through any other action, formal or informal, taken against the licensee.~~
- ~~(3) Such comparative data as may be considered by the Board to be informative to consumers.~~

- ~~(4) Such general cautionary statement, as the Board may deem appropriate, regarding the utility of complaint information to individual consumers in their selection of a licensed landscape architect.~~
- ~~(5) If a complaint which was initially determined to indicate a probable violation of law is later found by the Board's staff upon further investigation not to truly involve a violation, it shall be deleted from the complaint system.~~

- (1) Total number of complaints meeting conditions of disclosure;
- (2) Date(s) of receipt and nature of the complaint(s);
- (3) Disposition of the complaint(s), by indicating whether the matter has been:
 - (A) referred to formal disciplinary action;
 - (B) disposed of through any other action, formal or informal; or
 - (C) other disposition;
- (4) Information which is statutorily mandated to be disclosed;
- (5) Current status of criminal prosecution resulting from a complaint received by the Board;
- (6) A description of the type of public information not included in the system (i.e., civil judgements, criminal convictions, unsubstantiated complaints); and
- (7) Disclaimers indicating that the system does not constitute endorsement or non-endorsement of a person, and that the system may not contain all available information.

~~(b)~~(c) Information to be Provided Disclosed Regarding Disciplinary Action.

~~The Board shall maintain records showing the disciplinary history of all current license holders and shall provide to members of the public, upon written request, the following information: Disciplinary information that is determined to meet the conditions of disclosure listed in subsection (c) shall be incorporated into the system no later than ten (10) days after the conditions of disclosure have been met. When conditions of disclosure have been met, the Board shall disclose the following information regarding disciplinary action taken against licensees and unlicensed persons, if applicable:~~

- ~~(1) Whether any current licensee has ever been disciplined and, if so, when and for what offense.~~
- ~~(2) Whether any current licensee has been named in any disciplinary action.~~
- (1) Total number of disciplinary, enforcement, and public corrective actions taken by the Board;
- (2) Brief summary of disciplinary, enforcement, and public corrective actions taken by the Board; Citations that have been satisfactorily resolved shall be disclosed as such;
- (3) Current status of pending Accusations, Statement of Issues, and Citations filed by the Board; disclosure of pending actions shall contain a disclaimer stating that the pending administrative action(s) against the person is/are alleged and no final legal determination has yet been made; further disclaimers or cautionary statements regarding such pending actions may also be made; and
- (4) Information which is statutorily mandated to be disclosed.

~~(c)~~ Information to be Provided Regarding License Status.

~~The Board shall maintain records showing certain license information for all past and current license holders. The Board shall provide to members of the public upon written request, the following information regarding past and current licensees:~~

- ~~(1) The name of the landscape architect as it appears in the Board's records.~~
- ~~(2) The license number.~~
- ~~(3) The address and business telephone number of record.~~
- ~~(4) The date of original licensure.~~
- ~~(5) The date or dates such license expired, lapsed, or was terminated and if applicable, the reason for termination.~~

(d) Conditions of Disclosure.

The Board shall disclose complaint information when the executive officer ~~or his or her designee~~ has determined that: 1) the complaint information has a direct and immediate relationship to the health and safety of another person; and 2) one or more of the following have occurred:

(1) A complaint is serious and disclosure could provide protection to the public;

~~(2) A complaint has resulted in a Citation being issued and served;~~

(3) “Pattern” complaints against an individual have been received by the Board and it has been determined that disclosure may protect the consumer and/or prevent additional harm to the public;

(4) A complaint has been referred to the Attorney General for filing of an Accusation or Statement of Issues; or

(5) A complaint has been referred to other law enforcement entity for prosecution.

(e) Information about a complaint or disciplinary action shall not be disclosed if it is determined by the executive officer ~~or his or her designee~~ that any of the following apply:

(1) Disclosure is prohibited by statute or regulation;

(2) Disclosure might compromise an investigation or prosecution; or

(3) Disclosure might endanger or injure the complainant or third party.

~~(d)~~ (f) Quantity of Information to be Provided Per Week.

To avoid undue delay in the Board’s response to other requesters and ~~to avoid in order that no one requester may~~ overburdening the Board’s system, the Board may establish reasonable limits on the number of requests per week from any one requester ~~which the Board may handle~~.

Note: Authority Cited: Section 5630, Business and Professions Code. Reference: Sections 125.9, 129(e), 148, 5620.1, 5660, 5665-5676, Business and Professions Code and Government Code Section 6253.